From:	Mark "Adam" Baum
To:	Microsoft ATR
Date:	1/23/02 5:45pm
Subject:	Microsoft Settlement

As it is written, I am unhappy with many aspects of the Proposed Final Judgement against Microsoft.

Hypothetical situation #1:

I'm a mechanic who has routinely worked on Ford cars, among many others. With my many years of experience, I've come up with an idea for a product that car drivers may want to purchase and install in their car -- maybe a sensor that monitors gas flow and emissions and automatically tunes the engine while it is being driven. I've tested my prototype, and (knowing that it meets relevant EPA requirements) I'm ready to mass-produce this product and introduce it to potential customers.

* The specs for Ford's engines are openly available.

* I am allowed to use my Sears Craftsman tools to create this product.

* Although this product was originally designed and built for a Ford,
  I am allowed to sell this product to Chevy owners if they should choose
  to buy it and install it on their Chevy.

My product may become obsolete if Ford changed their engine specs on future models. Ford may even incorporate a similar device into their future models. But I would not expect Ford lawyers to sue me over my product's initial release.

Hypothetical situation #2:

I'm an Independant Software Vendor who has routinely worked on Microsoft Windows computers, among many others. With my many years of experience, I've come up with an idea for a product that computer users may want to purchase and install in their computer -- maybe a piece of software that monitors the way I "drag and drop" items between my various applications and automatically anticipates when I may want certain items. I've tested my prototype, and (knowing that it includes an add-on "redistributable component") I'm ready to mass-produce my product and introduce it to potential customers.

* The proposed judgement allows Microsoft to continue to hide much
  of the API (Application Programming Interface) that would make it

possible for this product to run under the Windows Operating System.
In fact, the judgement's narrow definition of "API" does not even cover
many aspects of the real API that third-party applications must address.

* The proposed judgement allows Microsoft to completely ban this product
  if it has been developed, even in part, using non-Microsoft tools from
  GNU, PERL, SCSL, any flavor of Linux, or any other "Publicly Available
  Software".

* The proposed judgement allows Microsoft to specifically ban the use of
  this product on any non-Microsoft Windows-compatible operating system.

Isn't this proposed judgement supposed to *reduce* Microsoft's illegal
anti-competitive practices?

> -- Mark "Adam" Baum
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